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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ZELALEM G. BERHE,

Plaintiff(s),

v.

UNITED STATES OF AMERICA,

Defendant(s).

2:12-CV-1011 JCM (NJK)

ORDER

Presently before the court is the report and recommendation of Magistrate Judge Koppe. (Doc. # 13). No objections have been filed and the deadline date for filing objections has expired.

In this case, *pro se* plaintiff is attempting to proceed *in forma pauperis*. In a prior order, (doc. # 12), the magistrate judge gave plaintiff two options: (1) plaintiff could pay the \$350 filing fee; or, (2) plaintiff could complete an application to proceed *in forma pauperis* because the magistrate judge could not determine whether plaintiff qualified to proceed *in forma pauperis* without plaintiff completing the application. Plaintiff has done neither in the time provided by the magistrate judge and the magistrate judge now recommends dismissal without prejudice.

This court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge’s report and recommendation, then the court is required to “make a de novo determination of those portions of the [report and recommendation] to which objection is made.”

1 28 U.S.C. § 636(b)(1).

2 Where a party fails to object, however, the court is not required to conduct “any review at all
3 . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985).
4 Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate
5 judge’s report and recommendation where no objections have been filed. *See United States v.*
6 *Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
7 district court when reviewing a report and recommendation to which no objections were made); *see*
8 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s
9 decision in *Reyna–Tapia* as adopting the view that district courts are not required to review “any
10 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s
11 recommendation, then this court may accept the recommendation without review. *See, e.g.,*
12 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation
13 to which no objection was filed).

14 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
15 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
16 and underlying briefs, this court finds good cause appears to ADOPT the magistrate’s findings in
17 full.

18 Accordingly,

19 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the report and
20 recommendation of Magistrate Judge Koppe (doc. # 13) be, and the same hereby, is ADOPTED in
21 its entirety.

22 IT IS FURTHER ORDERED that plaintiff’s complaint is dismissed without prejudice. The
23 clerk of the court shall enter judgment and close the case.

24 DATED May 17, 2013.

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26 
27 UNITED STATES DISTRICT JUDGE
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